IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

PIL WRIT PETITION (LODG) NO. 1762 OF 2006

1. Shree Ganesh Mandir Trust & Anr.] .. Petitioners

Versus

1. Assistant Commissioner, R/Central Ward, Mumbai Corpn. of Gr. Bombay and ors.] .. Respondents

Mr. R.V. Govilkar for the petitioners.

Mrs. P.A. Purandare for respondents No.1 and 2.

Ms. Geeta Shastri, AGP, for respondents No.3 and 4.

CORAM: R.M. LODHA &
NARESH H. PATIL, JJ.

DATED: 03RD AUGUST, 2006

P.C. :

. We heard Mr. R.V. Govilkar, the counsel for the petitioners and Mrs. P.A. Purandare, the counsel for respondents No.1 and 2.

2. The issuance of Notice dated 25th July, 2006 is pursuant to the order passed by this Court on 21st July, 2006 directing the Municipal Corporation of Greater Mumbai to take immediate steps for demolition of illegal shrines and unauthorsed illegal structures

existing on roads, lanes, footpaths and public land. That the subject structure is on public road is not in dispute. Despite our repeated query to the counsel for petitioner nothing could be shown that the subject structure is authorised or permission was obtained from the Corporation.

3. Subject to the petitioners filing an undertaking by tommorrow i.e. 4th August, 2006 to the effect that petitioners on their own shall remove the subject structure on or before 15th August, 2006 we direct that the Corporation shall not use force in demolishing the subject structure. If the petitioner fails to remove the subject structure by 15th August, 2006 we direct the Corporation to remove the subject structure on 16th August, 2006 at the cost of the petitioner.

. We, accordingly, dispose of the Writ Petition.

Sd/-
[R.M. LODHA, J.]

Sd/-
[NARESH H. PATIL, J.]